



MAIL STOP AF

FILING RECEIPT

Attorney Docket No. 24487

Date: July 8, 2003

Attorney: GMN/JLM

Inventors: TEMME et al.

Serial No.: 09/768,274

Group Art Unit: 1714

Date Filed: January 25, 2001

Examiner: P. Niland

Title: **USE OF AQUEOUS POLYURETHANE DISPERSIONS IN
FORMULATIONS FOR SPORTS FLOOR COVERINGS**

DOCUMENTS BEING FILED:

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

- (1) Transmittal Letter; and
- (2) Response and Amendment Under 37 CFR 1.116.



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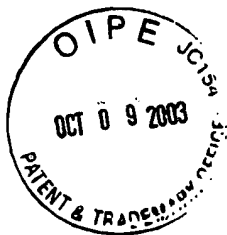
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Filed by:
GMN/JLM/RFR - FR



Courtesy Copy

MAIL STOP AF
Attorney Docket No. 24487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TEMME et al.

Serial No.: 09/768,274

Group Art Unit: 1714

Date Filed: January 25, 2001

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Title: USE OF AQUEOUS POLYURETHANE DISPERSIONS IN
FORMULATIONS FOR SPORTS FLOOR COVERINGS

RESPONSE AND AMENDMENT UNDER 37 CFR 1.116

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Official Action dated April 9, 2003. The three month shortened statutory period for response is set to expire July 9, 2003. Accordingly, this Response is timely filed.

Applicants respectfully submit that this response and amendment under 37 CFR 1.116 should be entered into the case because the claim amendments and remarks place the application in condition for allowance. Therefore, in view of the following remarks, applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections, and allow all claims pending in this application.

In response to the outstanding final office action, please amend the claims as follows:

AMENDMENT



Attorney Docket 24487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

TEMME et al.

Serial No. 09/768,274

Technology Center: 1700

Filed: January 25, 2001

Director of Technology Center

For: **USE OF AQUEOUS POLYURETHANE DISPERSIONS IN FORMULATIONS FOR
SPORTS FLOOR COVERINGS**

REQUEST FOR RESETTING OF TIME FOR RESPONSE

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Applicant hereby requests that the Director of Technology Center 1700 reset the time for consideration in this application.

The present application is currently under final rejection based on the final Office Action mailed on April 9, 2003. Applicant timely filed a response to the Office Action in the U.S. Patent and Trademark Office (Patent Office) on July 8, 2003. A copy of the stamped filing receipt bearing the stamp from the Patent Office Mail Room is attached herewith, evidencing the receipt of the response by the Patent Office on July 8, 2003. A courtesy copy of the response filed on July 8, 2003 is also being filed for the Patent Office's convenience.

Upon not receiving a further communication from the Patent Office within the following three-months, Applicants' attorney contacted Examiner Niland to inquire as to the status of the application. Examiner Niland informed Applicants' attorney that

the response had not been scanned into the electronic file, nor had the response been entered into the case. Since the application is under final rejection, Examiner Niland suggested that the Petitions Office be contacted on how to proceed.

The Petitions Office informed Applicants' attorney that such a request is handled by the Director of the Technology Center in which the group art unit is located. Therefore, Applicants come herewith to request that the time for consideration in the present application be reset based on the Patent Office not entering the previously timely filed response into the case.

As a precaution, Applicants are filing herewith a Notice of Appeal and an Extension of Time (along with checks for each) in order to keep the application alive. However, if the time for consideration is reset, Applicants hereby request withdrawal of the Notice of Appeal and Extension of Time, and a refund for the fees paid. This request for a refund is based on the fact that it is not Applicants' error that caused the previously filed response to be lost. Additionally, if the time for consideration is reset and the Examiner deems that the previously filed response does not place the condition for allowance, thus necessitating the issuance of an Advisory Action, Applicants' will decide at that time whether to file a Request for Continued Examination with a subsequent Extension of Time to continue prosecution of this application. However, Applicants submit that the response does, in fact, place the application in condition for allowance.

Accordingly, Applicants request that the time for consideration in this application be reset based on the Patent Office's error of not entering the previous timely filed response into the electronic file for consideration by the Examiner, and that the prosecution of this application continue. Early action on this Request is earnestly solicited.

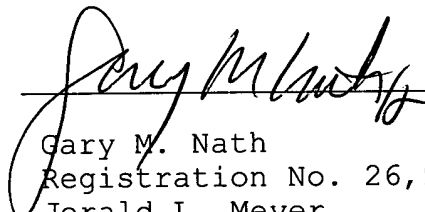
If the Director of Technology Center 1700, or the Examiner in charge of this case has any questions, he is asked to contact the undersigned attorney.

Respectfully submitted,

Date: October 9, 2003

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